



April 24, 2015

To: Executive Board

Subject: **April 2015 Legislative Summary**

Recommendation

Receive and file the April 2015 Legislative Summary. Adopt support positions on AB 857, AB 1250, SB 391, SB 413, SB 508 and the federal GROW AMERICA ACT.

Analysis

A summary of state and federal legislation and its status is attached. Board members should note that staff recommends support positions on AB 857 (Perea), AB 1250 (Bloom), SB 391 (Huff), SB 413 (Wieckowski), and SB 508 (Beall).

State Legislative Issues:

AB 857 creates the Technology Program pursuant to SB 1204 (Lara), Chapter 524, Statutes of 2013, which will fund the development of zero and near zero emission truck, bus, and off-road vehicle and equipment technologies to be administered by the Air Resources Board in conjunction with the California Energy Commission. The bill would provide that the funding for the program would come out of the Greenhouse Gas Reduction Fund (Cap & Trade Auction Funds), and would prioritize projects located in disadvantaged communities. This bill may provide a new funding source for Foothill Transit electric and CNG buses.

In 2012 and 2014, the California Transit Association (CTA) sponsored legislation which provided transit agencies with temporary relief from California's decades-old bus axle weight limits. The temporary provisions of the most recent measure, AB 1720 (Bloom, Chapter 263, Statutes of 2014), are now set to expire at the end of 2015, reinstating an unworkable 20,500 lb. per axle limit and impacting various stakeholders, including cities, counties, public transit agencies, and private sector bus suppliers. The CTA continues to work with impacted stakeholders to craft a long-term solution, acceptable to all parties, that recognizes the challenges of the current axle weight limit. AB 1205 will serve as the vehicle for such a solution, if and when one emerges. The majority of Foothill Transit's fleet, along with those of most, if not all, transit agencies throughout the state exceeds this over quarter century old



statute. The weight increases are primarily due to advances in bus technology to satisfy mandated clean air, safety, ADA laws. This bill will continue to protect Foothill Transit from being subject to citations and costly permits until a reasonable solution can be determined.

Specific sections of the penal code have long provided for the criminal prosecution of individuals who commit assault or battery against transit employees. Due to flexibility in current law, which provides for probation in place of jail time, most assailants avoid serious consequences. SB 391 would increase penalties for assaults committed against transit employees and to remove a provision in state law that allows assailants to escape jail time. This bill will assist Foothill Transit in keeping our employees and our contractors' employees safe and require harsh penalties for those who may cause them harm.

SB 413 would amend the Public Utilities Code and the Penal Code to allow transit agencies to use an administrative process to cite and process minors in violation of specified prohibited acts (e.g. fare evasion, smoking where prohibited, unauthorized sale of goods) occurring on transit properties. Additionally, this proposal would make it a violation for failing to yield seating reserved for elderly and disabled individuals, and clarify what constitutes a noise violation on a transit property. This bill would allow Foothill Transit to impose and cause certain administrative penalties to be enforced for passenger misconduct on or in a Foothill Transit facility or vehicle.

Transit operators across the state are required to meet specified farebox recovery and operating cost criteria in order to be eligible to receive funds from the Transportation Development Act (called Local Transportation Fund dollars) and/or the State Transit Assistance (STA) program, if those funds are to be used for operating purposes. SB 508 would address the challenges posed by this rigid funding mechanism by creating more flexible farebox recovery and operating cost criteria, and by rationalizing the penalties for non-compliance. This bill would allow Foothill Transit to continue to receive a certain amount of state transit funding in case of an agency economic or low ridership challenge.

The California Legislature is in full swing after returning from recess in early January to begin the 2015-16 Legislative Session and wasted no time introducing a large number of bills for consideration in the first year of the two-year session. By the time February 27 had come and gone (the deadline to introduce bills), over 2,400 bills had been introduced by the 120-member Legislature. The Senate and Assembly have begun the laborious process of



moving these bills through policy and fiscal committees with the hope of seeing them on the Governor's desk in mid-September.

Federal Legislative Issues:

U.S. Department of Transportation Secretary Anthony Foxx unveiled a revised version of the GROW AMERICA Act, the Administration's proposal for a multi-year surface transportation bill. As newly proposed, the GROW AMERICA Act would authorize a strong funding level of \$478 billion over six years (as opposed to \$302 billion over four years authorized in the previous version). As in the previous version, the Administration recommends that highway, transit, and passenger rail programs be funded through a restructured Transportation Trust Fund. Funding for that Trust Fund would be a combination of current Highway Trust Fund revenue supplemented by a 14 percent transition tax on the approximate \$2 trillion of foreign earnings that U.S. companies have accumulated overseas ("repatriation").

The new version of GROW AMERICA authorizes \$115 billion for public transportation programs, up from the \$72 billion in the previous version. The new GROW AMERICA Act again includes increases to address the bus and rail state of good repair backlog, and would provide substantial investment in expanded transit capacity. Additionally, the bill would provide \$28.5 billion over the six years for high performance and passenger rail programs with a focus on improving the connections between key regional cities throughout the country.

Budget Impact

State legislation reported on have no budget impact at this time.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Reyno".

David Reyno
Director of Government Relations

A handwritten signature in blue ink, appearing to read "Doran J. Barnes".

Doran J. Barnes
Executive Director

2015 Legislation Summary

Current as of 4/14/2015

(Amendments and Bills with updated status or requesting action are indicated in **bold**)

Bill No.	Author	Analysis	Potential Impacts	Location	Outside Agency Positions	Recommended Position
AB 857	Perea	Creates the Technology Program pursuant to SB 1204 (Lara), Chapter 524, Statutes of 2013, supported by Foothill Transit to fund the development of zero and near zero emission truck, bus, and off-road vehicle and equipment technologies to be administered by the Air Resources Board in conjunction with the California Energy Commission. The bill would provide that the funding for the program would come out of the Greenhouse Gas Reduction Fund (Cap & Trade Auction Funds), and would prioritize projects located in disadvantaged communities.	This bill may provide a new funding source for Foothill Transit electric and CNG buses.	Assembly Committee on Transportation		Support
AB 1205	Bloom	In 2012 and 2014, the California Transit Association (CTA) sponsored legislation which provided transit agencies with temporary relief from California's decades-old bus axle weight limits. The temporary provisions of the most recent measure, AB 1720 (Bloom, Chapter 263, Statutes of 2014), are now set to expire at the end of 2015, reinstating an unworkable 20,500 lb./axle limit and impacting various stakeholders, including cities, counties, public transit agencies, and private sector bus suppliers. The CTA continues to work with impacted stakeholders to craft a long-term solution, acceptable to all parties, that recognizes the challenges of the current axle weight limit. AB 1205 will serve as the vehicle for such a solution, if and when one emerges. The majority of Foothill Transit's fleet, along with those of most, if not all, transit agencies throughout the state exceeds this over quarter century old statute due to mandated clean air, safety, disability laws and advances in bus technology.	This bill will continue to protect Foothill Transit from being subject to citations and costly permits until a reasonable solution can be determined.	Assembly Committee on Rules	CTA - Support	Support

2015 Legislation Summary

Current as of 4/14/2015

(Amendments and Bills with updated status or requesting action are indicated in **bold**)

Bill No.	Author	Analysis	Potential Impacts	Location	Outside Agency Positions	Recommended Position
SB 391	Huff	Specific sections of the penal code have long provided for the criminal prosecution of individuals who commit assault or battery against transit employees. Due to flexibility in current law, which provides for probation in place of jail time, most assailants avoid serious consequences. SB 391 would increase penalties for assaults committed against transit employees and to remove a provision in state law that allows assailants to escape jail time.	This bill will assist Foothill Transit in keeping our employees safe and require harsh penalties for those who may cause them harm.	Senate Committee on Public Safety	CTA - Support Metro - Support	Support
SB 413	Wiechowski	Would amend the Public Utilities Code and the Penal Code to allow transit agencies to use an administrative process to cite and process minors in violation of specified prohibited acts (e.g. fare evasion, smoking where prohibited, unauthorized sale of goods) occurring on transit properties. Additionally, this proposal would make it a violation for failing to yield seating reserved for elderly and disabled individuals, and clarify what constitutes a noise violation on a transit property.	This bill would allow Foothill Transit to impose and enforce certain administrative penalties for passenger misconduct on or in a Foothill Transit facility or vehicle.	Senate Committee on Transportation & Housing	CTA - Support	Support
SB 508	Beall	Transit operators across the state are required to meet specified farebox recovery and operating cost criteria in order to be eligible to receive funds from the Transportation Development Act (called Local Transportation Fund dollars) and/or the State Transit Assistance (STA) program, if those funds are to be used for operating purposes. SB 508 would address the challenges posed by this rigid funding mechanism by creating more flexible farebox recovery and operating cost criteria, and by rationalizing the penalties for non-compliance.	This bill would allow Foothill Transit to continue to receive a certain amount of state transit funding in case of an agency economic or low ridership challenge.	Senate Committee on Transportation & Housing	CTA - Support	Support
H.R. 680	Blumenauer	Our transportation infrastructure is increasingly outdated and inadequate. In 2011, the Federal Highway Administration (FHA) estimated that over \$70.9 billion worth of repairs are needed merely to	A consistent, reliable and stable federal funding program would allow Foothill Transit and all U.S. transportation agencies and companies to budget for	House Committee on Ways and Means	APTA - Supports	Support Position Adopted 2/27/2015

2015 Legislation Summary

Current as of 4/14/2015

(Amendments and Bills with updated status or requesting action are indicated in **bold**)

Bill No.	Author	Analysis	Potential Impacts	Location	Outside Agency Positions	Recommended Position
		maintain safe bridges. Inflation and increased fuel efficiency has led to declining gas tax receipts and the gas tax has lost nearly 40% of its purchasing power since it was last raised in 1993. The decline will continue as cars become more efficient and people drive less. Vehicle miles traveled per capita declined last year for the ninth year in a row. Because Congress has not addressed the Highway Trust Fund's (HTF) insolvency, the fund will be exhausted this summer and states will begin cutting back on projects. To maintain current funding levels, the HTF will need \$100 billion in addition to current tax receipts in the next five years. Failure to act will result in a 30% reduction in federal transportation spending over the next decade. The Update, Promote, and Develop America's Transportation Essentials (UPDATE) Act (Blumenauer (D-OR), would phase in a nickel a gallon tax increase over each of the next three years on gasoline and diesel that would be dedicated to public transportation and highway programs, index those taxes to inflation and examine ways to replace the taxes with a longer-term stable source of funding.	the long term.			